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FILED
DISTRICT COURT OF GUAM

APR - 3 2006

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

ROLAND M. ABISIA,

Criminal Case No. 96-00089

Defendant-Petitioner,

Civil Case No. 05-00041

vs.

UNITED STATES OF AMERICA,

ORDER

Plaintiff-Respondent.

This matter comes before the Court with respect to Petitioner Roland M. Abisia's ("Abisia") Notice of Appeal regarding this Court's Order filed March 8, 2006. *See* Docket No. 70. A Notice of Appeal shall be construed as an Application for a Certificate of Appealability. *See*, FED. R. APP. P. 22(b). A certificate of appealability may be issued from a final order in a proceeding under § 2255 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Abisia has not substantially demonstrated the denial of his constitutional rights, pursuant to 28 U.S.C. § 2253(c)(2). Nor has he demonstrated that the issues surrounding this Court's dismissal of Abisia's § 2255 petition and denial of his motion to reconsider are "debatable among jurists of reason." *See, Jennings v. Woodford*, 290 F.3d 1006, 1010 (9th Cir. 2002). Accordingly, Abisia's motion for a certificate of appealability is DENIED.

SO ORDERED this 3 day of April, 2006.


ROGER T. BENITEZ
United States District Judge

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